
SENATE BILL No. 389

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-1-12.

Synopsis: Ballots not voided by clerical errors. Requires the counting of a ballot that the election law otherwise would not permit to be counted if: (1) the voter marked and cast the ballot in compliance with the election law; (2) the defect in the ballot is solely the result of an act or failure to act of an election officer; and (3) no evidence of fraud, tampering, or misconduct is presented.

Effective: Upon passage.

Broden

January 11, 2007, read first time and referred to Committee on Local Government and Elections.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 389

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-12-1-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
3 applies to votes cast by any method.

4 (b) Except as provided in section 13 of this chapter, a ballot that has
5 been marked and cast by a voter in compliance with this title but may
6 otherwise not be counted solely as the result of the act or failure to act
7 of an election officer ~~may nevertheless~~ **shall** be counted ~~in a~~
8 ~~proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence
9 of fraud, tampering, or misconduct affecting the integrity of the ballot
10 is presented. ~~by a party to the proceeding.~~

11 (c) The act or failure to act by an election officer is not by itself
12 evidence of fraud, tampering, or misconduct affecting the integrity of
13 the ballot.

14 SECTION 2. **An emergency is declared for this act.**

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